

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

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CHARLESTON
COLUMBIA
FLORENCE
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MYRTLE BEACH

2015.100T

JEFFREY T. STOVER

REPLY TO:

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March 10, 2015

VIA CERTIFIED MAIL AND FAX

Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210
Fax: 803-896-5199

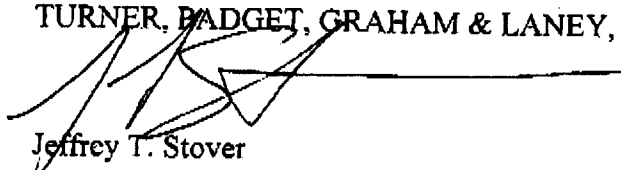
Re: Dao Travels, LLC v. Charleston Black Cab Company and Sam Mustafa
Case No.: 2:14-cv-01967-PMD
Our File No.: 13362.101

Dear Sir or Madam:

This law firm represents Charleston Black Cab Company in connection with the enclosed Complaint. Please direct all correspondence regarding this matter to the undersigned.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.


Jeffrey T. Stover

JTS/adh

Enclosure

cc: Christopher Inglese, Esq.

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TPGL 6279992v1

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101 Executive Center Dr., Suite 100
Columbia, SC 29210

Phone: 803-896-5100
Fax: 803-896-5199
www.psc.sc.gov



Individual Complaint Form

Date: March 9, 2015

Complainant or Legal Representative Information:

* Required Fields

Name * Sam Mustafa
Firm (if applicable) Charleston Black Cab Company
Mailing Address * 40 Calhoun Street, Suite 200
City, State Zip * Charleston SC 29401 Phone * 843-412-6146
E-mail * sam@charlestonhospitalitygroup.com

Name of Utility Involved in Complaint: * Dao Travels, LLC

NOTE: If AT&T is the utility involved, please complete the attachment located at the end of this form.

Type of Complaint (check appropriate box below.) *

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Billing Error/Adjustments | <input type="checkbox"/> Deposits and Credit Establishment | <input type="checkbox"/> Wrong Rate | <input type="checkbox"/> Refusal to Connect Service |
| <input type="checkbox"/> Disconnection of Service | <input type="checkbox"/> Payment Arrangements | <input type="checkbox"/> Water Quality | <input type="checkbox"/> Line Extension Issue |
| <input type="checkbox"/> Service Issue | <input type="checkbox"/> Meter Issue | | |
| <input checked="" type="checkbox"/> Other (be specific) <u>Improper use of trade name "CHARLESTON BLACK CAB COMPANY"</u> | | | |

Have you contacted the Office of Regulatory Staff (ORS)? * ☒ Yes ☐ No Name of ORS Contact: Dawn Hipp

Concise Statement of Facts/Complaint: * (This section must be completed. Attach additional information to this page if necessary.)

1. Charleston Black Cab Company ("CBCC") is a certificated motor carrier in the State of South Carolina. CBCC is authorized to operate on a charter basis (PSC Docket No. 2013-219-T, Order No. 2013-415, PSC/ORS Cert. No. 8803) and as a taxi (PSC Docket No. 2013-220-T, PSC Order No. 2013-414, PSC/ORS Cert. No. 8791). CBCC's certificates provide that it will operate under the trade name "CHARLESTON BLACK CAB CO."
2. Dao Travels, LLC ("DAO") is a certificated motor carrier in the State of South Carolina. DAO is authorized to operate on a charter basis (PSC Docket No. 2011-389-T, Order No. 2011-823, PSC/ORS Cert. No. 8489-A). DAO's certificate provides that it will operate under the trade name "An Executive Travel."
3. On or about January 23, 2015, DAO entered an agreement (the "Assignment") with Yellow Cab Company of Charleston ("Yellow Cab") pursuant to which Yellow Cab Company of Charleston purported to assign to DAO the right to use the trade name "CHARLESTON BLACK CAB COMPANY."
4. Upon information and belief, Yellow Cab claims that it obtained the right to operate under the trade name from American Black Cab Company by way of an agreement (the "Agreement") between the two. Both the Assignment and the Agreement purport to authorize the use of a trade name by a certificated motor carrier, which is a right provided by the Public Service Commission. Neither the Assignment nor the Agreement was authorized by the Public Service Commission as required by S.C. Code Regulation No. 103-135.
5. Upon information and belief, Yellow Cab is a certificated motor carrier in the state of South Carolina authorized to operate under a trade name(s) other than "CHARLESTON BLACK CAB COMPANY." American Black Cab Company was a certificated motor carrier in the State of South Carolina authorized to operate under the name "CHARLESTON BLACK CAB COMPANY."
6. On or about February 20, 2015, DAO applied for an exemption from Regulation No. 103-153. The stated reason for the exemption was as follows: "In order for An Executive Travel to fairly compete in the 'prestige' car service transportation market, the Passat Sedans should be allowed to not have markings and identification pursuant to Regulation 103-153." See Docket No. 2011-389-T, Matter No. 255184. However, upon information and belief, DAO requested this relief because it has actually been operating under the trade name "CHARLESTON BLACK CAB COMPANY" since approximately the date of the Assignment.
7. South Carolina Code Regulation No. 103-131 provides that two certificated motor carriers should not operate under the same trade name unless responsibility can be definitely fixed. Consumers are confusing DAO and CBCC based upon DAO's unauthorized use of the trade name "CHARLESTON BLACK CAB COMPANY." If these consumers complain to the Commission about the services of one of these carriers, it will be difficult for the Commission to fix responsibility on the appropriate party. Accordingly, CBCC requests the Commission order DAO to stop operating under the trade name "CHARLESTON BLACK CAB COMPANY," in every way, including the webpage www.charlestonblackcabcompany.com.

Relief Requested: * (This section must be completed. Attach additional information to this page if necessary.)

Stop Dao Travels, LLC from using the trade name "CHARLESTON BLACK CAB COMPANY."

**I GIVE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA PERMISSION TO PUBLISH THIS COMPLAINT AND ITS CONTENTS ON THE COMMISSION'S WEBSITE (dms.psc.sc.gov), AND I UNDERSTAND SUCH INFORMATION MAY BE SUBJECT TO PUBLIC SCRUTINY OR FURTHER RELEASE. ☒ Yes ☐ No

STATE OF SOUTH CAROLINA
COUNTY OF _____)
_____)
_____)

VERIFICATION

Sam Mustafa
Complainant's Signature * (MUST BE SIGNED, DO NOT PRINT)

I, Sam Mustafa
Complainant's Name *

verify that I have read my complaint filed on March 9th, 2015
Date *

and know the contents thereof, and that said contents are true.

Sam Mustafa
Complainant's Signature * (MUST BE SIGNED, DO NOT PRINT)

Internal Use Only

Processed	Date